

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

BRIAN KEITH AKERS

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Case No. 4:07cr54
(Judge Schell)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 5, 2014, to determine whether Defendant violated his supervised release.

On May 28, 2008, Defendant was sentenced by the Honorable Richard A. Schell to fifty-seven (57) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession. On September 2, 2011, Defendant completed his period of imprisonment and began service of his supervised term.

On June 6, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various standard and special conditions.

The Government provided the testimony of Ashley McKinney. Defendant offered an exhibit. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seven (7) months, with an

additional period of eighty-six (86) days due to his unserved term of community confinement, with no supervised release to follow.

Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 14th day of August, 2014.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE